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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,286	12/21/2000	Martin Dirk Skirha	DP-301966	9305

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 03/10/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/747,286

Applicant(s)

SKIRHA ET AL.

Examiner

EDMUND H LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-20 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-18, 23-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This application contains claims 19-20 drawn to an invention nonelected with traverse in Paper No. 13. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12, 23, 24, 25, 26, 28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ang et al (USPN 5792413). Ang et al teach the claimed process including forming a hidden, integral passenger air bag door in an instrument panel cover (figs 1-6); forming the panel cover having an inner surface and an opposing outer surface (figs 1-6); forming a deployment region in the inner surface of the panel cover by contacting only the inner surface with at least one scoring device after initiation of the formation of the panel cover creating at least one score therein, but prior to the cooling thereof, the at least one score defining the deployment region and providing a weakened tear pattern in the inner surface so that deployment of an air bag cushion causes the deployment region to open along the at least one score for deployment of the air bag cushion (col 3, ln 37-col 4, ln 55; figs 1-6); configuring the weakened tear pattern to separate under pressure generated by an inflating air bag cushion which is positioned proximate the inner surface of the instrument panel cover (figs 1-6); using a

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panel cover formed of synthetic material (figs 1-6); using a panel cover formed of thermoplastic material such as TEO or TPO (col 3, Ins 20-35); contacting the panel cover with the at least one scoring device prior to the setting of the instrument panel cover (figs 1-6); and advancing a contacting edge of the at least one scoring device into the inner surface of the panel cover a predetermined distance toward the outer surface wherein the distance is controlled by limiting the advancement of the device into the panel cover (figs 1-6).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12-18 and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000159047 A in view of JP 2000272459 A. In regard to claim 12, JP 2000159047 A teaches the basic claimed process including forming a hidden, integral passenger air bag door in an instrument panel cover (abstract; figs 1-8); forming the panel cover having an inner surface and an opposing outer surface (abstract; figs 1-8); forming a deployment region in the outer surface of the panel cover by contacting the outer surface with at least one scoring device after initiation of the formation of the panel cover creating at least one score therein, but prior to the cooling thereof, the at least one score defining the deployment region and providing a weakened tear pattern in the outer surface so that deployment of an air bag cushion causes the deployment

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region to open along the at least one score for deployment of the air bag cushion (abstract; figs 1-8)--as a note, col 4, lns 30-40 of JP 2000159047 A teaches the step of prior to cooling. However, JP 2000159047 A does not teach forming the weakened tear pattern in only the inner surface. JP 2000272459 A teaches molding an airbag door having a weakened tear pattern in the inner surface of the door within a female vacuum mold (abstract; figs 1-7). JP 2000159047 A and JP 2000272459 A are combinable because they are analogous with respect to forming an airbag. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was to redesign the mold of JP 2000159047 A to allow for forming the tear pattern of JP 2000159047 A in the inner surface as taught by JP 2000272459 A in order to take advantage of the aesthetic appeal of a hidden airbag door. In regard to claims 13-18 and 23-32, JP 2000159047 A also teach providing at least one score member which is extendable and retractable upon actuation wherein the scoring member is disposed upon a cylinder which is actuated by a pneumatic adjustment system and controlled by an operator (col 4, lns 40-49; figs 1-8); contacting the at least one scoring member with the panel cover during the formation of the panel cover (figs 1-8); forming the at least one score by advancing the at least one scoring member into the panel cover thereby causing the panel cover to thin out in predetermined locations which define the at least one score (figs 1-8); using a male vacuum forming tool (figs 1-8); using a panel cover of synthetic material (abstract; col 3, lns 40-50; figs 1-8); forming the deployment region with a H-shape (figs 1-8); configuring the weakened tear pattern to separate under pressure generated by an inflating air bag cushion which is positioned proximate the inner

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surface of the instrument panel cover (figs 1-8); using a panel cover formed of synthetic material (figs 1-8); contacting the panel cover with the at least one scoring device prior to the setting of the instrument panel cover (figs 1-8); heating the temperature of the panel cover to a temperature higher than the temperature of the formed panel cover and scoring the panel cover after the heated panel during the forming of the panel cover (figs 1-8); contacting the panel cover with the at least one scoring device when the panel cover is at or near the elevated temperature (figs 1-8)--as a note, the scoring is performed during the forming of the heated panel cover; advancing a contact edge of the at least once scoring device into the surface of the panel cover a predetermined distance towards the opposing surface while the panel cover is disposed in a mold device (figs 1-8); advancing a contacting edge of the at least one scoring device into the inner surface of the panel cover a predetermined distance toward the outer surface wherein the distance is controlled by limiting the advancement of the device into the panel cover (figs 1-8); using a scoring blade which forms a part of a moveable cylinder, the at least one scoring blade being extendable and retractable relative to the cylinder, the cylinder and at least one scoring blade being oriented above the body so that upon actuation thereof, the cylinder and at least one scoring blade are lowered to contact the body and form the at least one score (figs 1-8); and contacting the panel cover with the at least one scoring blade when the panel cover is at a temperature wherein a portion of the panel cover is deformable (figs 1-8)--a note, the blade contact the panel cover as the panel cover is being formed. However, JP 2000159047 A does not teach using a female vacuum forming tool; and using the claimed materials of claim 25. In regard to

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using a female vacuum forming tool, such is taught by the above combination of JP 2000159047 A and JP 2000272459 A. In regard to using the claimed materials, such materials are well-known in the panel cover and airbag art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed material in the process of JP 2000159047 A in order to form a durable panel cover.

6. Claims 33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000159047 A in view of JP 2000272459 A. In regard to claim 33, JP 2000159047 A teaches the basic claimed process including forming a hidden, integral passenger air bag door in an instrument panel cover (abstract; figs 1-8); vacuum forming the panel cover having an inner surface and an opposing outer surface (abstract; figs 1-8); forming a deployment region in the outer surface of the panel cover by contacting the outer surface with at least one scoring device after initiation of the vacuum formation of the panel cover creating at least one score therein, but prior to the cooling thereof, the at least one score defining the deployment region and providing a weakened tear pattern in the outer surface so that deployment of an air bag cushion causes the deployment region to open along the at least one score for deployment of the air bag cushion (abstract; figs 1-8) --as a note, col 4, lns 30-40 of JP 2000159047 A teaches the step of prior to cooling. However, JP 2000159047 A does not teach forming the weakened tear pattern in only the inner surface. JP 2000272459 A teaches molding an airbag door having a weakened tear pattern in the inner surface of the door within a female vacuum mold (abstract; figs 1-7). JP 2000159047 A and JP

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2000272459 A are combinable because they are analogous with respect to forming an airbag. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was to redesign the mold of JP 2000159047 A to allow for forming the tear pattern of JP 2000159047 A in the inner surface as taught by JP 2000272459 A in order to take advantage of the aesthetic appeal of a hidden airbag door. JP 2000159047 A teaches forming the deployment region before the cooling of the panel cover as evidenced by the continued vacuuming of the panel during the scoring. However JP 2000159047 A does not teach forming the deployment region after the vacuum forming the panel cover but before the cooling. Such sequence is well-known in the molding art in order to produce a more clear score or detail. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the deployment region of JP 2000159047 A after the vacuum forming of the panel cover in order to achieve the above result. In regard to claim 36, JP 2000159047 A does not teach applying a foam layer and a substrate layer to the foam layer. However, such are well-known in the molding art and panel cover art in order to form a cushioned panel cover which is more pleasing to touch. In regard to claim 37, JP 2000159047 A does not teach injection molding the substrate layer. However, it is well-known in the molding art to injection mold a layer upon a preform. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to injection mold the substrate layer of JP 2000159047 A (modified) in order to efficiently and precisely form the layer. In regard to using a scoring device which having a portion heated prior to the scoring. JP 2000159047 A does not teach heating a portion of the scoring device

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however, such is well-known in the molding art and scoring/cutting art in order to effectively and quickly form a cut. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to heat a portion of the scoring device of JP 2000159047 A in order to achieve the above result.

7. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000159047 A in view of JP 2000272459 A. JP 2000159047 A teaches the basic claimed process including forming a hidden, integral passenger air bag door in an instrument panel cover (abstract; figs 1-8); applying a quantity of thermoplastic material to a vacuum forming tool (abstract; figs 1-8); vacuum forming the panel cover having an inner surface and an opposing outer surface (abstract; figs 1-8); forming a deployment region in the outer surface of the panel cover by contacting the outer surface with at least one scoring device after initiation of the formation of the panel cover creating at least one score therein, the at least one score defining the deployment region and providing a weakened tear pattern in the outer surface so that deployment of an air bag cushion causes the deployment region to open along the at least one score for deployment of the air bag cushion, the deployment region formed after or during the vacuum forming of the instrument panel but prior to the cooling thereof (abstract; figs 1-8) --as a note, col 4, lns 30-40 of JP 2000159047 A teaches the step of prior to cooling.. However, JP 2000159047 A does not teach forming the weakened tear pattern in the inner surface. JP 2000272459 A teaches molding an airbag door having a weakened tear pattern in the inner surface of the door within a female vacuum mold (abstract; figs 1-7). JP 2000159047 A and JP 2000272459 A are combinable because

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they are analogous with respect to forming an airbag. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was to redesign the mold of JP 2000159047 A to allow for forming the tear pattern of JP 2000159047 A in the inner surface as taught by JP 2000272459 A in order to take advantage of the aesthetic appeal of a hidden airbag door.

8. Applicants' arguments filed 11/26/02 have been considered but are not persuasive. Applicants argue that Ang et al teach "a step after cooling of the panel cover to remove interior material defined by the score lines after ejection from the mold." Even though Ang et al do teach removing some of the material interior of the score lines, this teaching is within the metes and bounds of the instant claimed invention. Applicants' invention does not exclude a step of removing material interior of the score lines. Applicants' invention is directed to forming score lines in an instrument panel which is taught by Ang et al in col 3, ln 55-col 4, ln 55 and fig 5. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As evident by JP 2000159047 A and JP 2000272459 A, it is common knowledge among those with ordinary skill in the instrument panel art to have score lines on either the interior or exterior surface of the

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panel. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the mold of JP 2000159047 A to allow for forming the tear pattern of JP 2000159047 A in the inner surface as taught by JP 2000272459 A in order to take advantage of the aesthetic appeal of a hidden airbag door.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

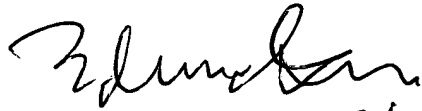
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H LEE whose telephone number is 703.305.4019. The examiner can normally be reached on **MONDAY-THURSDAY FROM 9AM-4PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAN H SILBAUGH can be reached on 703.308.3829. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703.305.7718 for regular communications and 703.305.3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

  
EDMUND H LEE 3/4/03  
Examiner  
Art Unit 1732

EHL  
March 4, 2003